

either of principal or interest on any such indebtedness, and declaring an emergency."

H. B. No. 464, A bill to be entitled "An Act creating and incorporating Cone Independent School District in Crosby county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and to issue bonds; providing for an assessor and collector of taxes and board of equalization; providing for the Cone Independent School District shall assume and discharge all valid outstanding bonds, obligations and indebtedness of Cone Common School District No. 5 in Crosby county; validating and continuing in force all taxes heretofore voted and now in force in said Common School District No. 5; providing that title to all property now vested in Cone Common School District No. 5 shall on the passage of this act vest in Cone Independent School District as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the general laws of Texas relating to independent school districts in matters where this act is silent; repealing all laws in conflict herewith; providing invalidation by the courts of any provision of this act shall not invalidate any remaining portion or provision, and declaring an emergency."

H. B. No. 466, A bill to be entitled "An Act to establish and redefine Rugby Common School District No. 40 of Red River county, Texas; to validate election heretofore held in said district for local taxes for the further maintenance of public free schools in said district; to validate election heretofore held in said district for the issuance of school-house bonds in said district; to authorize the Attorney General of Texas to be governed by the metes and bounds as defined in this act in passing on the bond record made by virtue of said election for the issuance of said school-house bonds; providing that said Rugby Common School District No. 40 in Red River county, Texas, shall be under the general laws of Texas with respect to common school districts when not in conflict with this act, and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act creating the Highland Independent School District, in Cameron county, Texas, and defining its boundaries; providing for the election of a board of trustees therefor; providing for the secretary, treasurer, assessor and collector of taxes and all other necessary officers and committees, and prescribing their qualifications; investing said district with all the rights, powers, privileges and duties of a town or village incorporated under the general laws of the State for free school purposes only; prescribing the maximum rates of taxation within a specified limit of time, and declaring an emergency,"

And find the same correctly engrossed.  
SNEED, Chairman.

## TWENTY-NINTH DAY.

(Continued.)

(Tuesday, February 22, 1921.)

The House met at 10 o'clock a. m., and was called to order by Speaker Thomas.

### EMPLOYES OF THE HOUSE.

The Speaker announced the appointment of the following:

Stenographer for Appropriation Committee: Earl Howell in place of S. R. Harrington, resigned. Effective February 16th.

Assistant Engrossing Clerk: Mrs. Esther Lee. Effective February 21st.

### GRANTING JUDGES E. A. HILL AND GEO. L. DAVENPORT LEAVE OF ABSENCE FROM STATE.

Mr. Burkett offered the following resolution:

H. C. R. No. 31, Permitting the judges of the Eighty-eighth and Ninety-first Judicial Districts to leave the State during the years 1921 and 1922.

Be it resolved by the House of Representatives, the Senate concurring, That the Hon. E. A. Hill, judge of the Eighty-eighth Judicial District of Texas, and the Hon. George L. Davenport, judge of the Ninety-first Judicial District of Texas, be permitted and granted authority to leave the State of Texas at any time they see fit for the purpose of vacation or otherwise, during the years of 1921 and 1922.

The resolution was read second time, and was adopted.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 22, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 153, A bill to be entitled "An Act to amend Chapter 179 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-third Legislature, as amended by the Acts of the Regular Session of the Thirty-fifth Legislature, Chapter 103, approved March 28, 1917, by amending Part 1, Section 2, thereof," etc.

S. B. No. 163, A bill to be entitled "An Act amending Article 4606 of Title 67 of Revised Civil Statutes of Texas, 1911, declaring the eleventh day of November of each year a legal holiday and designating November 11th as 'Victory Day.'"

S. B. No. 220, A bill to be entitled "An Act creating the Hewitt Independent School District in McLennan county, Texas; defining its boundaries, including the present Hewitt Independent School District; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing for an assessor and collector of taxes and board of equalization; providing that the Hewitt Independent School District as herein created shall become bonded and liable for the payment of its pro rata part of any outstanding bonded indebtedness heretofore voted upon any territory taken away from any other school district and included within the bounds of the Hewitt Independent School District as herein created, and declaring an emergency."

S. B. No. 232, A bill to be entitled "An Act amending Section 14 of Chapter 81 of the Local and Special Laws of the State of Texas passed by the Thirty-sixth Legislature at its Regular Session by providing that the board of trustees of Donna Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 244, A bill to be entitled "An Act to amend Article 1140 and Subdivision 8 of Article 1140 of the Revised Statutes of 1911 of the State of Texas, defining the powers of private corporations so as to permit and empower corporations formed under Subdivisions 1, 2 and 3, of Article 1121, of the Revised Statutes of 1911, of the State of Texas, to increase the maximum number of the directors or trustees of such corporations from twenty-five to seventy-five."

H. B. No. 158, A bill to be entitled "An Act making appropriations to cover authorized deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1920, and August 31, 1921, respectively, and declaring an emergency."

H. B. No. 320, A bill to be entitled "An Act to amend Sections 4, 40, 66, 80, 81, 82 and 100 of Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature, providing for organization and government of water improvement and irrigation districts, and acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature, and which sections relate, respectively: Section 4, to the mode of appeal from an order of the commissioners' court in granting or dismissing petition for organization of a district; Section 40, the collection of delinquent taxes by suit, and fixing jurisdiction thereof; Section 66, providing for the sale of bonds of such district; Sections 80, 81 and 82, providing the method of organization of districts embracing lands in two or more counties; and Section 100, providing the method of the selection of depositories of such district; and which amendments to said Sections 4, 40, 66, 80, 81, 82 and 100 provide, respectively: Section 4, for appeals from an order of the county commissioners' court in granting or refusing a petition for organization of a district, and that notice of appeal shall be given, and perfecting of appeal by filing of a bond at the time of filing same, and fixing amount of such bond, and providing that the judgment on appeal shall be certified to the commissioners' court within ten days after same becomes final; Section 40, for providing taxes to be a lien against property assessed, and enforcement of same, suits for collecting, vesting jurisdiction in district court, and providing no limi-

tation shall apply; Section 66, for providing the method of selling bonds of the district authorized by said Chapter 87, and the amount to be received therefor; Sections 80, 81 and 82, for providing the method of organization and government of districts embracing lands in two or more counties; Section 100, for the selection of depositories of any such district, and providing that if directors of said district should be interested in a bank bidding therefor, such selection shall be passed upon by the county judge of the county in which the depository is located; and by further amending said Chapter 87, General Laws of the Acts of the Regular Session of the Thirty-fifth Legislature and acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature, by the addition of new sections, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, and 137, which new sections provide, respectively: Section 122, for the addition of land to a district to be taxed on basis of assessment of benefits; Section 123, for location of office of a district; Sections 124 to 130, inclusive, for the method of levying, assessing, equalizing, and collecting taxes by districts, adopting the assessment for benefit plan of taxation; Section 131, for providing for districts constituting conservation and reclamation districts adopting plan of levying taxes on a benefit basis instead of an ad valorem basis; Section 132, for providing for levy and collection of taxes on a benefit basis instead of an ad valorem basis by districts operating under contract with the United States, and the method of levying and collecting same; Section 133, for providing for sale of power privileges by such districts and the conditions thereof; Section 134, providing for assessment and collection of taxes by county officers in event of default therein by district officers, and providing district may avail itself of assessments and equalization made by county officers, and providing the method of handling same; Section 134, providing for sale of surplus water; Section 135, repealing Section 5a, Chapter 12, General Laws, Second Called Session, Thirty-fifth Legislature, and all laws in conflict with the provisions thereof; Section 137, emergency clause."

H. B. No. 118, A bill to be entitled "An Act to put into effect the amendment to Section 3 of Article 7 of

the Constitution of the State of Texas, in accordance with the will of the people as expressed by vote in the general election held on November 2, 1920," with amendments.

Respectfully,

A. W. HOLT,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 278 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 278, to fix and establish a legal rate for the publication of all proclamations, advertisements, etc., required by law to be published in newspapers, on its passage to engrossment, with amendment by Mr. Seagler, pending.

Mr. Merriman moved the previous question on the pending amendment and engrossment of the bill, and the motion was lost.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—53.

Barker.	Morris of Medina.
Barrett of Bell.	Neblett.
Barrett of Fannin.	Owen.
Black, O. B.,	Perry.
of Bexar.	Quicksall.
Bryant.	Rogers of Shelby.
Burns.	Rosser.
Childers.	Rowland.
Coffee.	Seagler.
Crawford.	Sims.
Crumpton.	Stephens.
Curtis.	Stewart
Darroch.	of Edwards.
Duffey.	Swann.
Grissom.	Sweet of Brown.
Hall.	Sweet of Tarrant.
Hanna.	Thomas
Henderson	of Limestone.
of McLennan.	Thomason.
Hill.	Thompson
Jones.	of Harris.
Kacir.	Thompson
King.	of Red River.
Lawrence.	Thorn.
Lindsey.	Thrasher.
McCord.	Wadley.
McDaniel.	Walker.
McLeod.	Wessels.
Martin.	Westbrook.
Marshall.	

Nays—63.

Adams.	Beasley
Aiken.	of Hopkins.
Baker.	Beasley
Baldwin.	of McCulloch.
Bass.	Beavens.

Binkley.	Looney.
Bonham.	McKean.
Brady.	Malone.
Brown.	Mathes.
Burmeister.	Merriman.
Carpenter.	Miller of Dallas.
Chitwood.	Miller of Parker.
Cox.	Morgan.
Cummins.	Moore.
Davis, John,	Morris
of Dallas.	of Montague.
Dinkle.	Mott.
Edwards.	Perkins
Estes.	of Cherokee.
Fly.	Pollard.
Fugler.	Pool.
Greer.	Pope.
Hardin.	Quaid.
Harrison.	Quinn.
Henderson	Rice.
of Marion.	Satterwhite.
Hendricks.	Smith.
Horton.	Sneed.
Johnson	Stevenson.
of Gillespie.	Teer.
Johnson	Veatch.
of Wichita.	West.
Lackey.	Williams
Laird.	of McLennan.
Lauderdale.	Wright.

## Present—Not Voting.

Davis, John E.,	Garrett.
of Dallas.	Kellis.
Faubion.	Rountree.

## Absent.

Black, W. A.,	Melson.
of Bexar.	Patman.
Branch.	Perkins of Lamar.
Burkett.	Stewart of Reeves.
Johnson of Ellis.	Wallace.
Laney.	Webb.

## Absent—Excused.

Duncan.	Rogers of Harris.
Harrington.	Schweppe.
Kveton.	Shearer.
Leslie.	Williams
McFarlane.	of Montgomery.
Menking.	

Mr. Seagler offered the following amendment to the bill:

Amend House bill No. 278, Section 1, by striking out the word "one," in line 20, and insert in lieu thereof the words "one-half."

Mr. Miller of Dallas moved the previous question on the amendment and engrossment of the bill, and the main question was ordered.

Question first recurring on the amendment, it was adopted.

Question next recurring on the en-

grossment of the bill, yeas and nays were demanded.

House bill No. 278 was passed to engrossment by the following vote:

## Yeas—89.

Adams.	Johnson
Aiken.	of Wichita.
Baker.	Kacir.
Baldwin.	Lackey.
Bass.	Laird.
Beasley	Lauderdale.
of Hopkins.	Lawrence.
Beasley	Lindsey.
of McCulloch.	Looney.
Beavens.	Malone.
Binkley.	Marshall.
Black, O. B.,	Mathes.
of Bexar.	Merriman.
Black, W. A.,	Miller of Dallas.
of Bexar.	Miller of Parker.
Bonham.	Morgan.
Brady.	Moore.
Brown.	Morris of Medina.
Burkett.	Mott.
Burmeister.	Neblett.
Carpenter.	Perkins
Chitwood.	of Cherokee.
Coffee.	Perkins of Lamar.
Cox.	Perry.
Crawford.	Pollard.
Cummins.	Pool.
Curtis.	Pope.
Darroch.	Quaid.
Davis, John,	Quinn.
of Dallas.	Rice.
Dinkle.	Rosser.
Duffey.	Satterwhite.
Edwards.	Sims.
Estes.	Sneed.
Fly.	Stephens.
Fugler.	Stevenson.
Greer.	Stewart
Grisom.	of Edwards.
Hall.	Swann.
Hanna.	Sweet of Tarrant.
Hardin.	Teer.
Harrison.	Thorn.
Henderson	Thrasher.
of Marion.	Veatch.
Hendricks.	Wadley.
Hill.	Wallace.
Horton.	Webb.
Johnson	Wessels.
of Gillespie.	Westbrook.
	Wright.

## Nays—25.

Barker.	Jones.
Barrett of Bell.	King.
Barrett of Fannia.	McCord.
Bryant.	McDaniel.
Childers.	McKean.
Crumpton.	McLeod.
Henderson	Martin.
of McLennan.	

Morris of Montague.	Thomas of Limestone.
Owen.	Thompson of Harris.
Quicksall.	Thompson of Red River.
Rogers of Shelby.	West.
Rowland.	
Seagler.	
Sweet of Brown.	

Present—Not Voting.

Davis, John E., of Dallas.	Garrett. Kellis.
Faubion.	Rountree.

Absent.

Branch.	Smith.
Burns.	Stewart of Reeves.
Johnson of Ellis.	Thomason.
Laney.	Walker.
Melson.	Williams of McLennan.
Patman.	
Shearer.	

Absent—Excused.

Duncan.	Menking.
Harrington.	Rogers of Harris.
Kveton.	Schwepe.
Leslie.	Williams of Montgomery.
McFarlane.	

Mr. Miller of Dallas moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

Reason for Not Voting.

Being a newspaper man, and publishing a newspaper, I feel that I ought not to vote on this bill; therefore, I wish to go on record as present and not voting.

KELLIS.

Reasons for Not Voting on House bill No. 278.

The Constitution provides that when a member has a personal or pecuniary interest in a measure, he shall disclose that fact and not vote thereon.

As we are engaged in the newspaper business, and therefore subject to being affected in a financial way by the passage or defeat of House bill No. 278, we are therefore, in compliance with the Constitution, and our own sense of right, recorded present, and not voting.

JOHN E. DAVIS of Dallas.

ROUNTREE.

FAUBION.

NOTICE GIVEN.

Mr. Curtis gave notice that he would on tomorrow call up for consideration at that time, House bill No. 72, which

bill has heretofore been read second time and laid on the table subject to call.

# MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 22, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 9, Providing for the printing of the Manuals.

And has passed

S. B. No. 233, A bill to be entitled "An Act amending Section 14 of Chapter 85 of the Local and Special Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, by providing that the board of trustees of Edinburg Independent School District may employ an attorney to represent the said district in the enforcement of its lien for taxes; providing compensation for such services to such attorney; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 276, A bill to be entitled "An Act to require the giving of additional supersedeas bond in cases pending on appeal or writ of error in the Supreme Court or Court of Civil Appeals, wherever after the execution of the original bond, the same becomes insufficient by reason of the insolvency of the sureties on such bond or from any other cause, and providing that failure to execute a new supersedeas bond within twenty (20) days after service of notice to execute such bond, should authorize the court in which said case is pending on appeal, to order the issuance of execution on the original judgment; and further providing that the said appeal or writ of error should be continued as if prosecuted upon the cost bond, in the event that the original supersedeas bond should be deemed sufficient for said purpose by the clerk in which said appeal is pending; otherwise, to be dismissed unless a sufficient cost bond is given within a stated period; to repeal all laws in conflict herewith, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

HOUSE BILL NO. 360 ON SECOND READING.

On motion of Mr. O. B. Black of Bexar, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 360. A bill to be entitled "An Act to amend Article 3883 of Chapter 40 of the General Laws of the State of Texas passed by the Thirty-sixth Legislature at its Third Called Session, regulating the fees allowed county officers in certain counties of this State, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Neblett offered the following amendment to the bill:

Amend House bill No. 360, page 1, line 15 and line 38, by striking out the figures "25,000" and insert in lieu thereof "10,000."

Signed—Neblett, Satterwhite.

The amendment was adopted.

Mr. Darroch moved to reconsider the vote by which the amendment was adopted.

The motion to reconsider prevailed. (Mr. Cummins in the chair.)

Mr. Pope offered the following substitute for the amendment:

Amend House bill No. 360 by striking out page 1, beginning with the word "containing," in line 15, down to and including the word "any," in line 20, and insert the following: "Having less than 16,000 inhabitants according to the last Federal census which include within their limits a separate."

Signed—Pope, Owen.

The substitute was adopted.

The amendment as substituted was then adopted.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 360 was passed to engrossment by the following vote:

Yeas—68.

Adams.	Coffee.
Baker.	Cox.
Beasley	Cummins.
of Hopkins.	Curtis.
Beasley	Darroch.
of McCulloch.	Davis, John,
Beavens.	of Dallas.
Binkley.	Dinkle.
Black, O. B.,	Duffey.
of Bexar.	Faubion.
Black, W. A.,	Fugler.
of Bexar.	Hall.
Bonham.	Harrison.
Brady.	Henderson
Branch.	of Marion.
Brown.	Hendricks.
Burkett.	Hill.
Burmeister.	Horton.
Carpenter.	Johnson
Chitwood.	of Gillespie.

Johnson  
of Wichita.  
Jones.  
Kacir.  
Kellis.  
Lackey.  
Laird.  
Malone.  
Marshall.  
Mathes.  
Melson.  
Merriman.  
Miller of Dallas.  
Morgan.  
Morris of Medina.  
Neblett.  
Owen.  
Pollard.  
Pope.  
Quinn.

Rogers of Harris.  
Seagler.  
Sims.  
Smith.  
Sneed.  
Stephens.  
Stevenson.  
Stewart  
of Edwards.  
Sweet of Brown.  
Teer.  
Thomas  
of Limestone.  
Thomason.  
Thompson  
of Red River.  
Thorn.  
Thrasher.  
Wadley.  
Webb.

Nays—48.

Aiken.	McKean.
Barker.	McLeod.
Barrett of Fannin.	Martin.
Bass.	Miller of Parker.
Bryant.	Morris
Burns.	of Montague.
Childers.	Perkins
Crawford.	of Cherokee.
Davis, John E.,	Perkins of Lamar.
of Dallas.	Perry.
Edwards.	Quaid.
Estes.	Quicksall.
Fly.	Rice.
Garrett.	Rogers of Shelby.
Greer.	Rowland.
Grissom.	Stewart of Reeves.
Hanna.	Swann.
Hardin.	Sweet of Tarrant.
Henderson	Thompson
of McLennan.	of Harris.
King.	Veatch.
Lauderdale.	Wallace.
Lawrence.	Wessels.
Lindsey.	Westbrook.
Looney.	Williams
McCord.	of McLennan.
McDaniel.	Wright.

Present—Not Voting.

Crumpton.

Absent.

Baldwin.	Pool.
Barrett of Bell.	Rosser.
Johnson of Ellis.	Rountree.
Laney.	Satterwhite.
Moore.	Walker.
Mott.	West.
Patman.	

Absent—Excused.

Duncan.	Menking.
Harrington.	Schweppe.
Kveton.	Shearer.
Leslie.	Williams
McFarlane.	of Montgomery.

(Speaker in the chair.)

## RECESS.

Mr. Curtis moved that the House recess until 2 o'clock p. m. today.

Mr. Barker moved that the House adjourn until 2 o'clock p. m. today.

Mr. Beasley of McCulloch moved that the House adjourn until 10 o'clock a. m., Wednesday, February 23.

The motion of Mr. Curtis prevailed, and the House, accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

## AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by Speaker Thomas.

## HOUSE BILL NO. 118, WITH SENATE AMENDMENTS.

Mr. Thomason called up from the Speaker's table, with the Senate amendments, for consideration of the amendments,

H. B. No. 118, A bill to be entitled "An Act to put into effect the amendment to Section 3 of Article 7 of the Constitution of the State of Texas, in accordance with the will of the people as expressed by vote in the general election held on November 2, 1920."

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Thomason moved that the House concur in the Senate amendments.

The Clerk was directed to call the roll, and the House concurred in the Senate amendments by the following vote:

Yeas—118.

Aiken.	Burns.
Baker.	Carpenter.
Baldwin.	Childers.
Barker.	Chitwood.
Barrett of Bell.	Coffee.
Barrett of Fannin.	Cox.
Bass.	Crawford.
Beasley	Crumpton.
of Hopkins.	Cummins.
Beasley	Curtis.
of McCulloch.	Darroch.
Beavens.	Davis, John E.,
Binkley.	of Dallas.
Black, O. B.,	Davis, John,
of Bexar.	of Dallas.
Black, W. A.,	Dinkle.
of Bexar.	Duffey.
Bonham.	Edwards.
Brady.	Estes.
Branch.	Faubion.
Bryant.	Fly.
Burkett.	Garrett.
Burmeister.	Greer.

Grissom.	Mott.
Hall.	Neblett.
Hanna.	Owen.
Hardin.	Perkins of Lamar.
Harrison.	Perry.
Henderson	Pollard.
of McLennan.	Pool.
Henderson	Pope.
of Marion.	Quaid.
Hendricks.	Quicksall.
Hill.	Quinn.
Johnson	Rice.
of Gillespie.	Rosser.
Johnson of Ellis.	Rountree.
Johnson	Rowland.
of Wichita.	Satterwhite.
Jones.	Seagler.
Kacir.	Sims.
Kellis.	Smith.
King.	Sneed.
Lackey.	Stephens.
Laird.	Stewart
Lauderdale.	of Edwards.
Lawrence.	Swann.
Lindsey.	Sweet of Brown.
Looney.	Sweet of Tarrant.
McCord.	Teer.
McDaniel.	Thomason.
McKean.	Thompson
McLeod.	of Harris.
Malone.	Thompson
Martin.	of Red River.
Marshall.	Thorn.
Mathes.	Thrasher.
Melson.	Veatch.
Merriman.	Wadley.
Miller of Dallas.	Walker.
Miller of Parker.	Wallace.
Morgan.	Webb.
Moore.	Wessels.
Morris of Medina.	West.
Morris	Westbrook.
of Montague.	Wright.

## Absent.

Adams.	Rogers of Shelby.
Brown.	Stevenson.
Fugler.	Stewart of Reeves.
Horton.	Thomas
Laney.	of Limestone.
Patman.	Williams
Perkins	of McLennan.
of Cherokee.	

## Absent—Excused.

Duncan.	Rogers of Harris.
Harrington.	Schweppé.
Kveton.	Shearer.
Leslie.	Williams
McFarlane.	of Montgomery.
Menking.	

## HOUSE BILL NO. 178 ON SECOND READING.

On motion of Mr. Fly, the regular order of business was suspended to take

up and have placed on its second reading and passage to engrossment,

H. B. No. 178, A bill to be entitled "An Act to amend Articles 628 and 632 of Chapter 2, Title 18, Revised Civil Statutes of 1911, as amended by Section 1 of Chapter 203, Acts of the Regular Session of the Thirty-fifth Legislature, so as to authorize any county or political subdivision or defined district thereof to issue bonds when hereafter authorized by a vote of two-thirds majority of the resident property tax-paying voters of said county or political subdivision or defined district thereof for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes or in aid thereof, to bear a rate of interest to be fixed by the commissioners court not exceeding six per cent per annum, and to mature at such times as may be fixed by said court, serially or otherwise, not to exceed thirty years from their date; and also to amend Article 636c of Section 2 of Chapter 203, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1 of Chapter 38, Acts of the Second Called Session of the Thirty-sixth Legislature, so as to authorize county road bonds hereafter issued in excess of amounts necessary to offset and retire bonds outstanding against road districts to bear interest at a rate to be fixed by the commissioners court not to exceed six per cent per annum; providing that the provisions of this act shall apply to all counties having special road laws which authorize the issuance of county special road bonds or road district bonds under authority conferred by Chapter 2, Title 18, Revised Civil Statutes of 1911, and all amendments thereto, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

#### HOUSE BILL NO. 360 ON ENGROSSMENT.

Mr. Pope moved to reconsider the vote by which the House this morning passed House bill No. 360 to engrossment.

The motion to reconsider prevailed.

Mr. Pope then moved to reconsider the vote by which the amendment offered by himself was adopted.

The motion to reconsider prevailed.

Mr. Pope then withdrew the amendment.

Mr. Neblett offered the following amendment to the bill:

Amend House bill No. 360, page 1, line 15 and line 38, by striking out the figures "25,000" and insert in lieu thereof "22,500."

Question—Shall the amendment be adopted?

On motion of Mr. Owen, the bill was laid on the table subject to call.

#### ADDRESS BY HON. R. H. JONES.

Mr. Crumpton offered the following resolution:

Whereas, Hon. R. H. Jones of Bowie county, ex-member of this Legislature, is now on the floor of the House; therefore be it

Resolved, That he be invited to address this body.

Signed—Crumpton, Miller of Dallas, Henderson of Marion, Thompson of Red River.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of Mr. Crumpton, Mr. Henderson of Marion and Mr. Thompson of Red River as a committee to escort Mr. Jones to the Speaker's stand.

The committee, having performed their duty, the Speaker presented Mr. Crumpton, who introduced Mr. Jones to the House.

Mr. Jones then addressed the House.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 22, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 185, A bill to be entitled "An Act prohibiting and making unlawful the use of the name of the United States Government or any department thereof, as part of the trade name of persons, associations or corporations engaged in the business of selling army goods to the public; providing for the punishment of violations of said act, and declaring an emergency."

And has refused to pass to engrossment

S. B. No. 172, A bill to be entitled "An Act amending Articles 2767, 2768, 2451, Revised Civil Statutes of 1911, and Article 2771, Revised Civil Statutes of 1911, as amended by Section 1, Chapter 160, Acts of the Thirty-fifth



Legislature, and Section 71, Chapter 124, Acts of the Twenty-ninth Legislature, relating to powers of school trustees in choosing a depository, to bonds of depository, and as to powers of school trustees in relation to a teacher's contract, and declaring an emergency."

Respectfully,

A. W. HOLT,

Assistant Secretary of the Senate.

# HOUSE BILL NO. 224 ON SECOND READING.

On motion of Mr. Rosser, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 224, A bill to be entitled "An Act to amend Sections 1 and 15 of Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, extending the term of said commission to the last Saturday in June, 1921, and providing for the appointment of judges for said extended term; providing for the extension of the term of said commission from the last Saturday in June, 1923, for the appointment of judges for said extended term, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. McCord offered the following amendment to the bill:

Amend the bill by striking out "1923" and inserting "1922."

On motion of Mr. O. B. Black of Bexar, the amendment was tabled.

Mr. Owen offered the following amendment to the bill:

Amend House bill No. 224 by striking out the word "six" in line 27, page 1, Section 1, and insert in lieu thereof the word "three."

Mr. Cummins moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—84.

Adams.  
Baker.  
Bass.  
Beavens.  
Binkley.

Black, O. B.,  
of Bexar.  
Black, W. A.,  
of Bexar.  
Bonham.

Brady.  
Branch.  
Brown.  
Bryant.  
Burmeister.  
Carpenter.  
Chitwood.  
Coffee.  
Cox.  
Crawford.  
Cummins.  
Curtis.  
Davis, John E.,  
of Dallas.  
Davis, John,  
of Dallas.  
Dinkle.  
Estes.  
Fly.  
Fugler.  
Garrett.  
Greer.  
Grissom.  
Hall.  
Henderson  
of McLennan.  
Henderson  
of Marion.  
Hendricks.  
Hill.  
Johnson  
of Gillespie.  
Johnson  
of Wichita.  
Jones.  
Kacir.  
Kellis.  
Lackey.  
Laird.  
Lauderdale.  
Lindsey.  
McDaniel.  
McKean.

Malone.  
Marshall.  
Mathes.  
Merriman.  
Miller of Dallas.  
Miller of Parker.  
Morgan.  
Morris of Medina.  
Morris  
of Montague.  
Mott.  
Neblett.  
Owen.  
Perkins of Lamar.  
Pollard.  
Quaid.  
Quicksall.  
Quinn.  
Rice.  
Rosser.  
Rountree.  
Satterwhite.  
Sims.  
Smith.  
Sneed.  
Stevenson.  
Stewart  
of Edwards.  
Stewart of Reeves.  
Sweet of Brown.  
Sweet of Tarrant.  
Teer.  
Thomason.  
Thompson  
of Harris.  
Thompson  
of Red River.  
Thrasher.  
Wadley.  
Walker.  
Webb.  
West.  
Westbrook.

Nays—27.

Barker.  
Barrett of Bell.  
Barrett of Fannin.  
Beasley  
of Hopkins.  
Beasley  
of McCulloch.  
Burkett.  
Burns.  
Childers.  
Crumpton.  
Darroch.  
Duffey.  
Hanna.  
Hardin.

Lawrence.  
Looney.  
McCord.  
McLeod.  
Martin.  
Melson.  
Perkins  
of Cherokee.  
Rogers of Shelby.  
Rowland.  
Seagler.  
Stephens.  
Swann.  
Thorn.  
Veatch.

Present—Not Voting.

Baldwin.  
  
Aiken.  
Faubion.

Edwards.  
  
Absent.  
Harrison.  
Horton.

Johnson of Ellis.	Thomas
King.	of Limestone.
Laney.	Wallace.
Moore.	Wessels.
Patman.	Williams
Perry.	of McLennan.
Pool.	Wright.
Pope.	

Absent—Excused.

Duncan.	Rogers of Harris.
Harrington.	Schweppe.
Kveton.	Shearer.
Leslie.	Williams
McFarlane.	of Montgomery.
Menking.	

House bill No. 224 was then passed to engrossment.

#### HOUSE BILL NO. 129 ON SECOND READING.

On motion of Mr. Morris of Medina, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 129, A bill to be entitled "An Act to amend Chapter 78 of the Acts of the Second Called Session of the Thirty-sixth Legislature by providing that conviction may be had for violation of any provision of the act upon the unsupported evidence of an accomplice or participant; providing that such accomplice or participant shall be exempt from prosecution for any offense about which he may be required to testify; providing that the suspended sentence law shall not apply to convictions under the provisions of said act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Melson offered the following amendment to the bill:

Amend House bill No. 129 by striking out all after the enacting clause and inserting the following:

Section 1. That Chapter 78, Acts of the Second Called Session of the Thirty-sixth Legislature, be and the same is hereby amended by adding thereto immediately following Section 36 thereof a new section to be known as Section 36a, which shall read as follows:

"Sec. 36a. A conviction for the sale of intoxicating liquor under the provisions herein may be had on the unsupported evidence of the purchaser of said liquor, and such purchaser shall be exempt from prosecution for any offense under this law about which he may be required to testify, and pro-

vided further, that the provisions of the suspended sentence law shall not apply to any conviction had under the provisions of this act."

Sec. 2. The fact that the Court of Criminal Appeals has recently held that a conviction could not be had upon the unsupported evidence of an accomplice or participant for violation of the State-wide prohibition law, known as the Dean law, and the fact that the failure to incorporate such provision into the Dean act appears to have been an oversight, creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read three several days be suspended and such rule is so suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Cox offered the following amendment to the bill:

Amend House bill No. 129 by striking out the enacting clause.

Mr. Cox moved the previous question on the pending amendment and the engrossment of the bill, and the main question was ordered.

Mr. Merriman moved to reconsider the vote by which the previous question was ordered, and the motion to reconsider was lost.

Question first recurring on the amendment by Mr. Cox, striking out the enacting clause of the bill, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—61.

Barker.	Henderson
Bass.	of McLennan.
Beavens.	Henderson
Binkley.	of Marion.
Black, O. B.,	Hendricks.
of Bexar.	Johnson
Black, W. A.,	of Gillespie.
of Bexar.	Johnson of Ellis.
Brady.	Johnson
Brown.	of Wichita.
Burkett.	Jones.
Burmeister.	Kacir.
Chitwood.	Kellis.
Cox.	Lackey.
Crumpton.	Looney.
Curtis.	McCord.
Davis, John,	McDaniel.
of Dallas.	McKean.
Edwards.	Malone.
Fly.	Marshall.
Greer.	Merriman.
Hall.	Miller of Dallas.
Hanna.	Miller of Parker.
Hardin.	

Morris  
of Montague.  
Mott.  
Pool.  
Pope.  
Quaid.  
Rowland.  
Seagler.  
Smith.  
Sneed.  
Stevenson.  
Stewart  
of Edwards.

Sweet of Brown.  
Sweet of Tarrant.  
Thomas  
of Limestone.  
Thomason.  
Thompson  
of Harris.  
Wadley.  
Walker.  
Webb.  
Wessels.  
Wright.

## Nays—50.

Adams.	Lawrence.
Aiken.	Lindsey.
Baker.	McLeod.
Baldwin.	Martin.
Barrett of Bell.	Melson.
Barrett of Fannin.	Morgan.
Beasley	Moore.
of Hopkins.	Morris of Medina.
Beasley	Neblett.
of McCulloch.	Owen.
Bonham.	Perkins
Branch.	of Cherokee.
Bryant.	Perkins of Lamar.
Burns.	Pollard.
Carpenter.	Quicksall.
Childers.	Quinn.
Coffee.	Rice.
Crawford.	Rogers of Shelby.
Cummins.	Satterwhite.
Darroch.	Sims.
Davis, John E.,	Stephens.
of Dallas.	Stewart of Reeves.
Dinkle.	Swann.
Duffey.	Teer.
Estes.	Thompson
Faubion.	of Red River.
Fugler.	Thorn.
Garrett.	Thrasher.
Grissom.	Veatch.
King.	Wallace.
Laird.	West.
Lauderdale.	Westbrook.

## Absent.

Harrison.	Perry.
Hill.	Rosser.
Horton.	Rountree.
Laney.	Williams
Mathes.	of McLennan.
Patman.	

## Absent—Excused.

Duncan.	Rogers of Harris.
Harrington.	Schweppe.
Kveton.	Shearer.
Leslie.	Williams
McFarlane.	of Montgomery
Menking.	

Mr. Miller of Dallas moved to reconsider the vote by which the amendment

was adopted and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—66.

Barker.	Lackey.
Barrett of Fannin.	Looney.
Bass.	McCord.
Beavens.	McDaniel.
Binkley.	McKean.
Black, O. B.,	Malone.
of Bexar.	Marshall.
Black, W. A.,	Mathes.
of Bexar.	Merriman.
Brady.	Miller of Dallas.
Brown.	Miller of Parker.
Burkett.	Morgan.
Burmeister.	Morris
Chitwood.	of Montague.
Coffee.	Mott.
Cox.	Pool.
Crumpton.	Pope.
Curtis.	Quaid.
Davis, John,	Rice.
of Dallas.	Rowland.
Edwards.	Seagler.
Fly.	Sims.
Hall.	Smith.
Hanna.	Sneed.
Hardin.	Stevenson.
Harrison.	Stewart
Henderson	of Edwards.
of McLennan.	Sweet of Brown.
Henderson	Thomas
of Marion.	of Limestone.
Hendricks.	Thomason.
Johnson	Thompson
of Gillespie.	of Harris.
Johnson of Ellis.	Wadley.
Johnson	Walker.
of Wichita.	Webb.
Jones.	Wessels.
Kacir.	Wright.
Kellis.	

## Nays—59.

Adams.	Darroch.
Aiken.	Davis, John E.,
Baker.	of Dallas.
Baldwin.	Dinkle.
Barrett of Bell.	Duffey.
Beasley	Estes.
of Hopkins.	Faubion.
Beasley	Fugler.
of McCulloch.	Garrett.
Bonham.	Greer.
Branch.	Grissom.
Bryant.	Hill.
Burns.	King.
Carpenter.	Laird.
Childers.	Lauderdale.
Crawford.	Lawrence.
Cummins.	Lindsey.

McLeod.	Rosser.
Martin.	Rountree.
Melson.	Stephens.
Moore.	Stewart of Reeves.
Morris of Medina.	Swann.
Neblett.	Sweet of Tarrant.
Owen.	Teer.
Perkins	Thompson
of Cherokee.	of Red River.
Perkins of Lamar.	Thorn.
Perry.	Thrasher.
Pollard.	Veatch.
Quicksall.	Wallace.
Quinn.	West.
Rogers of Shelby.	Westbrook.

Absent.

Horton.	Satterwhite.
Laney.	Williams
Patman.	of McLennan.

Absent—Excused.

Duncan.	Rogers of Harris.
Harrington.	Schweppe.
Kveton.	Shearer.
Leslie.	Williams
McFarlane.	of Montgomery.
Menking.	

Reason for Vote.

On amendment striking out enacting clause.

I do not believe that a conviction should be had on the unsupported evidence of an accomplice when this rule of evidence is not applied (and it should not be) to such offenses as murder, rape and arson. But I do believe when a conviction is had the sentence should not be suspended, and vote "nay" in order to get an opportunity to lay before the House an amendment striking out all except the suspended sentence feature of the bill.

DARROCH.

#### HOUSE BILL NO. 109 ON SECOND READING.

On motion of Mr. Baker, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 109, A bill to be entitled "An Act to amend Chapter 57 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-first Legislature, 1909, relating to the property used by the Court of Criminal Appeals of the State of Texas, providing for a clerk and deputy clerk and providing for the compensation to be paid for each, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Baker offered the following (committee) amendment to the bill:

Salary of clerk to be fixed in the bill at a salary of \$3000 per year, and that of deputy clerk be fixed at \$2500 per year.

The (committee) amendment was adopted.

Mr. Owen offered the following amendment to the bill:

Amend House bill No. 109 by striking out the enacting clause.

Mr. Quinn moved the previous question on the pending amendment and the engrossment of the bill, and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—57.

Baldwin.	McKean.
Barker.	McLeod.
Barrett of Bell.	Martin.
Barrett of Fannin.	Miller of Parker.
Bass.	Moore.
Beasley	Morris
of Hopkins.	of Montague.
Beasley	Owen.
of McCulloch.	Perkins
Bryant.	of Cherokee.
Burkett.	Perkins of Lamar.
Burns.	Perry.
Childers.	Quicksall.
Crawford.	Rogers of Shelby.
Cummins.	Rosser.
Davis, John E.,	Rowland.
of Dallas.	Sims.
Duffey.	Sneed.
Edwards.	Stephens.
Garrett.	Stewart
Greer.	of Edwards.
Grissom.	Stewart of Reeves.
Hanna.	Swann.
Hardin.	Sweet of Brown.
Kellis.	Thorn.
King.	Thrasher.
Lauderdale.	Veatch.
Lawrence.	Wallace.
Lindsey.	Wessels.
Looney.	Westbrook.
McCord.	Wright.
McDaniel.	

Nays—60.

Adams.	Black, W. A.,
Baker.	of Bexar.
Beavens.	Brady.
Binkley.	Branch.
Bonham.	Brown.
Black, O. B.,	Burmeister.
of Bexar.	Carpenter.

Chitwood.	Marshall.
Coffee.	Mathes.
Cox.	Merriman.
Crumpton.	Miller of Dallas.
Darroch.	Morris of Medina.
Davis, John, of Dallas.	Mott.
Dinkle.	Neblett.
Estes.	Pollard.
Faubion.	Pope.
Fly.	Quaid.
Fugler.	Quinn.
Hall.	Rountree.
Harrison.	Satterwhite.
Henderson of Marion.	Seagler.
Hill.	Smith.
Johnson of Gillespie.	Sweet of Tarrant.
Johnson of Ellis.	Thomas
Johnson of Wichita.	of Limestone.
Jones.	Thomason.
Kacir.	Thompson
Lackey.	of Harris.
Laird.	Thompson
McFarlane.	of Red River.
Malone.	Wadley.
	Walker.
	Webb.
	West.

Present—Not Voting.

Henderson of McLennan.

Absent.

Aiken.	Patman.
Curtis.	Pool.
Hendricks.	Rice.
Horton.	Stevenson.
Laney.	Teer.
Melson.	Williams
Morgan.	of McLennan.

Absent—Excused.

Duncan.	Rogers of Harris.
Harrington.	Schweppe.
Kveton.	Shearer.
Leslie.	Williams
Menking.	of Montgomery.

House bill No. 109 was then passed to engrossment.

Mr. Miller of Dallas moved to reconsider the vote by which the bill was passed to engrossment and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64.

Adams.	Black, O. B.,
Baker.	of Bexar.
Bass.	Black, W. A.,
Beavens.	of Bexar.
Binkley.	Bonham.

Brady.	McFarlane.
Branch.	Malone.
Brown.	Marshall.
Burmeister.	Mathes.
Carpenter.	Merriman.
Chitwood.	Miller of Dallas.
Coffee.	Morris of Medina.
Cox.	Mott.
Crumpton.	Neblett.
Darroch.	Pollard.
Davis, John, of Dallas.	Pope.
Dinkle.	Quinn.
Estes.	Rice.
Fly.	Rountree.
Fugler.	Satterwhite.
Hall.	Seagler.
Harrison.	Smith.
Henderson of Marion.	Stevenson.
Johnson of Gillespie.	Sweet of Tarrant.
Johnson of Ellis.	Thomas
Johnson of Wichita.	of Limestone.
Jones.	Thomason.
Kacir.	Thompson
Kellis.	of Harris.
Lackey.	Thompson
Laird.	of Red River.
Lauderdale.	Wadley.
Lawrence.	Walker.
	Webb.
	Wessels.
	West.

Nays—54.

Baldwin.	Martin.
Barker.	Melson.
Barrett of Bell.	Miller of Parker.
Barrett of Fannin.	Moore.
Beasley	Morris
of Hopkins.	of Montague.
Beasley	Owen.
of McCulloch.	Perkins
Bryant.	of Cherokee.
Burns.	Perkins of Lamar.
Childers.	Perry.
Crawford.	Quicksall.
Cummins.	Rogers of Shelby.
Curtis.	Rosser.
Duffey.	Rowland.
Edwards.	Sims.
Faubion.	Sneed.
Garrett.	Stephens.
Greer.	Stewart
Grissom.	of Edwards.
Hanna.	Stewart of Reeves.
Hardin.	Swann.
Hill.	Sweet of Brown.
King.	Thorn.
Lindsey.	Thrasher.
Looney.	Veatch.
McCord.	Wallace.
McDaniel.	Westbrook.
McKean.	Wright.
McLeod.	

Present—Not Voting.

Henderson of McLennan.

## Absent.

Aiken.	Morgan.
Burkett.	Patman.
Davis, John E.,	Pool.
of Dallas.	Quaid.
Hendricks.	Teer.
Horton.	Williams
Laney.	of McLennan.

## Absent—Excused.

Duncan.	Rogers of Harris.
Harrington.	Schweppe.
Kveton.	Shearer.
Leslie.	Williams
Menking.	of Montgomery

**BILLS AND RESOLUTION SIGNED  
BY THE SPEAKER.**

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 158, "An Act making appropriations to cover authorized deficiencies in appropriations heretofore made for the support of the State government for the fiscal years ending August 31, 1920, and August 31, 1921, respectively, and declaring an emergency."

H. C. R. No. 9, Providing for compiling and printing Legislative Manual.

H. B. No. 320, "An Act to amend Sections 4, 40, 66, 80, 81, 82 and 100 of Chapter 87, Acts of the Regular Session of the Thirty-fifth Legislature, providing for organization and government of water improvement and irrigation districts, and acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature, and which sections relate, respectively: Section 4, to the mode of appeal from an order of the commissioners court in granting or dismissing petition for organization of a district; Section 40, the collection of delinquent taxes by suit, and fixing jurisdiction thereof; Section 66, providing for the sale of bonds of such district; Sections 80, 81 and 82, providing the method of organization of districts embracing lands in two or more counties; and Section 100, providing the method of the selection of depositories of such district; and which amendments to said Sections 4, 40, 66, 80, 81, 82 and 100 provide, respectively: Section 4, for appeals from an order of the county commissioners court in granting or refusing a petition

for organization of a district, and that notice of appeal shall be given, and perfecting of appeal by filing of a bond at the time of filing same, and fixing the amount of such bond, and providing that the judgment or appeal shall be certified to the commissioners court within ten days after same becomes final; Section 40, for providing taxes to be a lien against property assessed, and enforcement of same suits for collecting, vesting jurisdiction in district court, and providing no limitation shall apply; Section 66, for providing the method of selling bonds of the district authorized by said Chapter 87, and the amount to be received therefor; Sections 80, 81 and 82, for providing the method of organization and government of districts embracing lands in two or more counties; Section 100, for the selection of depositories of any such district, and providing that if directors of said district should be interested in a bank bidding therefor, such selection shall be passed upon by the county judge of the county in which the depository is located; and by further amending said Chapter 87, General Laws of the Acts of the Regular Session of the Thirty-fifth Legislature and acts amendatory of said Chapter 87, including Chapter 53 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and Chapter 28, General Laws of the Second Called Session of the Thirty-sixth Legislature, by the addition of new sections, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136 and 137, which new sections provide, respectively: Section 122 for the addition of land to a district to be taxed on basis of assessment of benefits; Section 123, for location of office of a district; Sections 124 to 130, inclusive, for the method of levying, assessing, equalizing and collecting taxes by districts, adopting the assessment for benefit plan of taxation; Section 131, for providing for districts constituting conservation and reclamation districts adopting plan of levying taxes on a benefit basis instead of an ad valorem basis; Section 132, for providing for levy and collection of taxes on a benefit basis instead of an ad valorem basis by districts operating under contract with the United States, and the method of levying and collecting same; Section 133, for providing for sale of power privileges by such districts and the conditions thereof; Section 134, providing for assessment and collection of taxes by county officers in event of default therein by district officers, and providing district may avail itself of assessments and equalization made by

county officers, and providing the method of handling same; Section 134, providing for sale of surplus water; Section 135, repealing Section 5a, Chapter 12, General Laws, Second Called Session Thirty-fifth Legislature, and all laws in conflict with the provisions thereof; Section 137, emergency clause."

#### INVITATION FROM THE GOVERNOR.

The Speaker laid before the House and had read the following invitation from the Governor:

Governor's Office,  
Austin, Texas, February 22, 1921.

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

My Dear Sir: Mrs. Neff and I desire to ask that you extend to the members of the House of Representatives and their families a cordial invitation to be with us at an informal gathering of the members of the House and Senate and the State officials, at the Mansion, Thursday evening, February 24, from 8 to 10.

Yours sincerely,  
PAT M. NEFF,  
Governor.

#### HOUSE BILL NO. 340 ON SECOND READING.

On motion of Mr. Quicksall, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 340, A bill to be entitled "An Act to prevent the wrongful and unnecessary extraction of cotton from cotton bales and to prevent and control the sale and disposition of same by cotton buyers, cotton weighers, cotton warehousemen and cotton compress companies; defining the word 'waste' and the words 'cotton buyer,' 'cotton weigher,' 'cotton warehousemen,' and 'cotton compress companies,' and providing for the delivery of such waste cotton by such parties to the county judge and for the sale of same by the county judge and his successors, and the application of the funds received from the sale thereof; fixing period of one year as statute of limitation against persons owning the cotton bales from which the waste came, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

On motion of Mr. Quicksall, the bill was laid on the table subject to call.

#### HOUSE BILL NO. 364 ON SECOND READING.

On motion of Mr. Thrasher, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 364, A bill to be entitled "An Act amending Article 2939, Chapter 4, Title 49, Revised Civil Statutes of the State of Texas of 1911, as amended by Senate bill No. 33, Chapter 40, General Laws of the State of Texas, passed at the First Called Session of the Thirty-fifth Legislature and approved May 26, 1917, regulating elections, prescribing certain qualifications of voters, and providing for absentee voting."

The Speaker laid the bill before the House and it was read second time.

Mr. Burmeister offered the following amendment to the bill:

Amend House bill No. 364, line 3, page 3, by striking out the words "at some place in the State."

The amendment was adopted.

Mr. Pollard offered the following amendment to the bill:

Amend House bill No. 364, line 7, page 3, after the word "election," the following: "or if such elector shall have lost or misplaced his or her poll tax receipt, he shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such poll tax was actually paid by him or her before said first day of February next preceding such election at which he or she offers to vote and that said receipt had been lost, misplaced or left at home, and in such case the affidavit so made shall be sent by the officer administering the oath to the county clerk of the county in which said elector resides. It shall then be the duty of such county clerk receiving the affidavit to verify same by examining the poll tax records of the county wherein said elector resides."

The amendment was adopted.

House bill No. 364 was then passed to engrossment.

#### NOTICES GIVEN.

Mr. Quinn gave notice that he would on tomorrow call up for consideration at that time House bill No. 120, which bill has heretofore been read second time and laid on the table subject to call.

Mr. Moore gave notice that he would on tomorrow call up for consideration at that time Senate joint resolution

No. 4, which resolution has heretofore been read second time and laid on the table subject to call.

#### MOTIONS TO ADJOURN.

Mr. Johnson of Wichita moved that the House adjourn until 10 o'clock a. m. Wednesday, February 23.

Mr. Merriman moved that the House recess until 10 o'clock a. m. tomorrow.

Mr. Hill moved that the House adjourn until 7:30 o'clock p. m. Tuesday, February 22.

Mr. Stewart of Edwards moved that the House recess to 7:30 p. m. today.

The several motions were lost.

#### HOUSE BILL NO. 23 ON SECOND READING.

On motion of Mr. Curtis, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 23, A bill to be entitled "An Act defining and declaring certain public utilities and virtual monopolies and subjecting same to the power and jurisdiction of the Railroad Commission of Texas to regulate and enact rules, regulations, orders, decisions for the government and conduct of the business of the same, and safe, sufficient and adequate service; leaving the municipalities certain powers of regulation, and the option to refer such regulation to the said Commission; authorizing municipalities to appoint a commissioner with certain powers to hear matters affecting utilities; requiring charges of said utilities subject to this act for their services or commodities to be just, reasonable, non-discriminatory and adequate, and providing for the reimbursement of charges collected in excess of permitted or reasonable charges to persons entitled thereto and for escheat of unclaimed amounts to the State; requiring the filing of reports and schedules, conferring on said Commission the power to prescribe methods of accounts, to value the properties, to require the maintenance of a proper reserve for depreciation and replacement, to determine the rates, charges, returns and practices of said utilities upon application or its own initiative; to require improvements and extensions; to require joint or connected service and to apportion the returns and expenses thereof; prohibiting discrimination in rates, charges, or compensations received by said utilities with certain exceptions;

requiring certificates of convenience or necessity or previous approval to be obtained from said Commission in certain cases for the construction, enlargement, purchase, lease, sale, operation or agencies of said utilities and competing utilities; requiring bonds of said utilities in certain cases for the protection of their patrons and the public; providing for public hearings and rehearings and the notice and conduct thereof in all matters before the Commission arising under this act, and conferring powers on the Commission with relation thereto; authorizing the patrons of a utility to file complaints with a municipality or the Commission; providing for the judicial review of acts, orders, decisions of the said Commission and the conduct thereof and of appeals; providing for the enforcement of the Commission's orders, rules, regulations, and the provisions of this act by mandamus, injunction, mandatory injunction, and receivership and penalties for the violation of same, and conferring jurisdiction on the district courts, and providing for appeals in such cases; requiring utilities subject to this act to maintain offices and keep records within certain counties or municipalities; requiring said utilities and their officers, agents and employees to obey the orders of the Commission or Commissioners or municipal authorities, and providing penalties for violation of same and for the enforcement thereof; providing for the arbitration of disputes by the Commission; requiring reports of annual income and levying a tax on the gross incomes of said utilities; creating the 'Public Utilities Fund,' and appropriating fifty thousand dollars (\$50,000) till such fund becomes available and sufficient, making appropriations for the salaries of the Commissioners and authorizing the Commission to appoint examiners and to employ a solicitor and other assistants and directing the State Treasurer to make disbursements for the payment of salaries and expenses approved by the Commission; fixing fees to be collected by the Commission and fees of sheriffs and constables and witnesses, and authorizing process to secure attendance of witnesses and requiring testimony and evidence to be produced; retaining certain powers and emoluments of the Railroad Commissioners under other acts; providing that a majority of the Commissioners constitute a quorum; repealing acts inconsistent herewith, and declaring an emergency."



The Speaker laid the bill before the House and it was read second time.

Mr. Curtis offered the following (committee) amendment to the bill:

At the end of Section 29 of the bill add the following:

"Provided, however, that hereafter any municipality in this State which shall desire to construct any utility plant, which would be or become a competitor with a plant already rendering a like service in such municipality, shall have the right to condemn any such existing plant. It shall declare such purpose by the passage of a resolution, and shall furnish a certified copy thereof to the owner of any such existing plant, and thereafter the owner of such existing plant shall have thirty days within which to notify the municipality whether such existing plant would be sold to the municipality and the price upon which such sale would be made. If the said owner should fail, within said period of thirty days, to make such offer of sale to said municipality, or if the price offered should be deemed unsatisfactory by said municipality (and the parties at interest cannot agree upon a satisfactory price), then the municipality may present its application to the Commission for the condemnation of such existing plant (furnishing to the owner of such existing plant a copy of such application), and thereupon the Commission shall take jurisdiction of such matter and shall set the same down for hearing, causing notice thereof to be given to each party at interest, and upon such hearing each party shall have the right of introducing testimony and of being represented by counsel as in other cases. After such hearing the Commission shall render its decision as to what would be a fair and reasonable price to be paid by said municipality to the owner of such existing plant for the same, and the said municipality shall have sixty days after such decision within which to pay or tender payment of the amount of the award made to the owner of said existing plant, and upon such payment or tender of payment said municipality shall be entitled to demand the execution of proper conveyances to it of said plant, free from all prior liens or encumbrances, and to demand and receive possession of such existing plant."

Question — Shall the (committee) amendment be adopted?

## RECESS.

Mr. Henderson of McLennan moved that the House adjourn until 10 o'clock a. m., Wednesday, February 23.

Mr. Cummins moved that the House recess until 10 o'clock a. m. tomorrow.

Mr. Quinn moved that the House recess to 8 o'clock p. m. today.

Mr. Seagler moved that the House adjourn until 5:25 o'clock p. m., Tuesday, February 22.

The motion of Mr. Cummins prevailed, and the House accordingly, at 5:30 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

## APPENDIX.

### STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports today on bills, as follows:

Stock and Stock Raising: House bill No. 482.

State Affairs: Senate bills Nos. 39, 142, 79; House bills Nos. 231, 445, 501, 502, 516.

Education: House bills Nos. 518, 517, 524.

Revenue and Taxation: House bill No. 462.

Public Health: House bill No. 513.

Judicial Districts: Senate bills Nos. 64, 62; House bills Nos. 504, 511.

The following standing committees filed adverse reports today on bills, as follows:

State Affairs: House bill No. 85.

Public Health: House bill No. 461.

Judicial Districts: House bill No. 495.

Stock and Stock Raising: House bills Nos. 457, 456, 487.

### REPORT OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, February 22, 1921.

Hon. Charles G. Thomas, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 421, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of

certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1922, ending August 31, 1923, as follows, to-wit: State Orphan Home, Confederate Woman's Home, Confederate Home, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Girls' Training School, Tuberculosis

Sanatorium, Carlsbad, State Lunatic Asylum, State Pasteur Institute, Southwestern Insane Asylum, North Texas Hospital for the Insane, East Texas Hospital for Insane, State Hospital for Crippled Children, State Farm Colony for Feeble-Minded, State Home for Dependent and Neglected Children, and declaring an emergency."

And find the same correctly engrossed.  
SNEED, Chairman.

# In Memory

of

## Gen. Arthur Pendleton Bagby

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Mr. Miller of Dallas offered the following resolution:

Whereas, The House of Representatives of the State of Texas has heard with profound regret of the death of General Arthur Pendleton Bagby, who departed this life full of years and honor at his home in Hallettsville, Texas, February 21, 1921; and

Whereas The said Arthur P. Bagby was born in Alabama in 1833, was a graduate from the United States Military Academy at West Point, graduating with the class of 1855. At the outbreak of the war between the States, he resigned a captaincy in the United States Army and entered into the service of the Confederate States, in the ranks of whose forces he served with such brilliancy that he rose to the rank of general.

He played a distinctive part in the struggle between the States, and was a member of a bar notable in the history of the State of Texas for its distinguished members. In the Civil War he succeeded General Green in command of the Confederate forces in the Red River Campaign and took part in the recapture of Galveston from the Federals.

At the close of the war he became a resident of Hallettsville and engaged in the general practice of law. He remained a resident of that place until the time of his death, and until recent years was an active member of the local bar there.

As a lawyer, he was well known among the legal fraternities of the State. He was learned in the law, and a brilliant orator. He was a keen observer, and a wide reader, and contributed liberally to periodicals on historical subjects. He was a vigorous defender of State's rights. He is the father of Hon. Will T. Bagby, a former member of the State Legislature, who is so much beloved by all those who know him best, and the father of A. P. Bagby, connected with the Comptroller's Department: Therefore be it

Resolved by the House of Representatives, That the State of Texas in his death, has lost one of its most beloved and distinguished citizens; that those principles which he so ably espoused have lost one of their ablest defenders, and that all Texas has cause to mourn the loss of one who was ever an example of the highest type of patriotism and the most courageous manhood: therefore be it further

Resolved, That the Chief Clerk of the House communicate these resolutions to the Senate of Texas and transmit a copy thereof to the family of the deceased, and that a page of the Journal be set aside as a memorial to our late beloved and respected fellow-citizen.

Signed—Miller of Dallas, Brown of Wilson, Fly.

Mr. Miller of Dallas moved that the resolution be adopted by a rising vote. The motion prevailed, and the resolution was adopted unanimously.

**In Honor  
of  
Washington's Birthday**

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Mr. Hardin offered the following resolution:

Whereas, This day is the anniversary of the birth of George Washington; and  
Whereas, George Washington was the first of all the men that ever stood in the forefront of this nation's life, first in war, first in peace and first in the hearts of his countrymen; and

Whereas, To honor our great men is to honor ourselves; therefore, be it

Resolved, That the House of Representatives of the State of Texas dedicate a page of the Journal of its proceedings to the memory of this the greatest American, who in the common speech of American millions is called the Father of His Country.

The resolution was read second time and was adopted.